Wetlands Bureau Decision Report

Decisions Taken 03/07/2005 to 03/13/2005

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

- I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:
 - 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
 - 2) provide new evidence or information to support the requested action;
 - 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
 - 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.
- II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:
 - 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
 - 2) contain a detailed description of the land involved in the department's decision; and
 - 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2004-00174 NH DEPT OF TRANSPORTATION

PLYMOUTH Pemigewasset River

Requested Action:

Request to amend permit to add shoulder work impacting and additional 2810 sq. ft. of riverine wetland and banks (906 sq. ft. temporary). NHDOT project #11849.

Conservation Commission/Staff Comments:

There are no comments from either Conservation Commission or the River Advisory Committee.

Inspection Date: 03/26/2004 by Gino E Infascelli Inspection Date: 10/25/2004 by Gino E Infascelli

APPROVE AMENDMENT:

Replace the existing two lane bridge and sidewalk with a three lane bridge having 5 ft. shoulders and two 8 ft. sidewalks impacting 82,096 sq. ft. of riverine wetlands and banks (34,983 sq. ft. temporary). NHDOT project #11849.

- 1. All work shall be in accordance with:
- a. Plans by the NHDOT Bureau of Highway Design dated 1/28/04 as received by the Department on February 4, 2004 except sheet 5 of 10 (river sections);
- b. The Environmental Document signed 6/2/1999 and received October 14, 2004 and
- c. Amended plans by the NHDOT Bureau of Highway Design dated 11/04 as received by the Department on March 8, 2005.
- 2. This permit is contingent upon the submission of project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
- 3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
- 4. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
- 5. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
- 6. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
- 7. Temporary cofferdams shall be entirely removed immediately following construction.
- 8. Construction equipment shall not be located within surface waters.
- 9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
- 10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
- 11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
- 13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
- 14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

- 15. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.

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- 16. The group of maples on the east bank and north of the proposed treatment swale shall remain intact. They shall be identified for protection with orange construction fencing prior to and during construction.
- 17. Humus to be added above elevation 458.5, as specified in the application, shall be extended northerly to 15 feet under the new
- 18. Additional seed from shrubs common to this location shall be incorporated in the slope stabilization mix per the meeting held 10/28/04.
- 19. The final planting and seeding plan shall be submitted for review by the DES Wetlands Bureau.
- 20. This permit is contingent upon the submission of stamped engineering plans in accordance with Rule Wt 404.04.
- 21. The plans submitted in accordance with condition 20 shall incorporate benches in the banks for wildlife travel per the meeting held 10/28/04.
- 22. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
- 23. The impacts associated with the temporary work shall be remediated immediately following construction.

With Findings:

- 1. This is a major impact project per Administrative Rule Wt 303.02(i) alteration of river bank and channel in excess of 200 linear
- 2. The amended permit allows the addition of shoulder work impacting a small unnamed stream.

2004-01185 SPECTRUM INVESTMENT GROUP INC

MEREDITH Lake Winnipesaukee

Requested Action:

Fill 1700 sq ft to construct 50 linear ft of breakwater, with a 6 ft gap at the shoreline, and a 6 ft x 30 ft cantilevered pier connected to a 4 ft x 30 ft piling pier by a 6 ft x 35 ft walkway in an "F" configuration accessed by an existing landing on an average of 116 ft of frontage on Black Cat Island, Lake Winnipesaukee.

Conservation Commission/Staff Comments:

Con. Com. requested 40 day hold and never commented once 40 days had passed.

APPROVE PERMIT:

Fill 1700 sq ft to construct 50 linear ft of breakwater, with a 6 ft gap at the shoreline, and a 6 ft x 30 ft cantilevered pier connected to a 4 ft x 30 ft piling pier by a 6 ft x 35 ft walkway in an "F" configuration accessed by an existing landing on an average of 116 ft of frontage on Black Cat Island, Lake Winnipesaukee.

- 1. All work shall be in accordance with plans by DeGrace Design dated May 24, 2004, as received by the Department on June 4, 2004.
- 2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
- 4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
- 5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
- 6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
- 7. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
- 8. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).

- 9. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
- 10. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
- 11. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
- 12. The breakwater shall have an irregular face to dissipate wave energy.
- 13. Support pilings shall be spaced a minimum of 12 ft apart as measured center to center.
- 14. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. This project is classified as a major project per Rule Wt 303.02(j), construction of a breakwater.
- 2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Wt 402.07, Breakwaters.
- 3. The applicant has an average of 116 feet of shoreline frontage along Lake Winnipesaukee.
- 4. A maximum of 2 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.

WINNACUNNET COOPERATIVE DISTRICT

- 5. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII, and therefore meets Rule Wt 402.14.
- 6. Field inspection on August 6, 2004 found no obvious evidence of sand migration along this shoreline.

-Send to Governor and Executive Council-

2005-00401 HAMPSHIRE CHEMICAL CORPORATION

NASHUA Unnamed Wetland

MINOR IMPACT PROJECT

2004-02721

HAMPTON Unnamed Wetland

Requested Action:

Impact a total of 4,865 square feet of jurisdictional area to include: Dredge and fill 4,345 sq. ft. of palustrine forested wetland for the construction of a 58 space parking lot; Impact 500 square feet within the Tidal Buffer Zone (20 square feet of bank)to construct a rip-rap outlet associated with a storm water treatment swale.

Conservation Commission/Staff Comments:

The Hampton Conservation Commission sent a letter with concerns. These concerns are addressed in the findings.

Inspection Date: 02/01/2005 by Eben M Lewis

APPROVE PERMIT:

Impact a total of 4,865 square feet of jurisdictional area to include: Dredge and fill 4,345 sq. ft. of palustrine forested wetland for the construction of a 58 space parking lot; Impact 500 square feet within the Tidal Buffer Zone (20 square feet of bank)to construct a rip-rap outlet associated with a storm water treatment swale.

With Conditions:

1. All work shall be in accordance with the Site Improvement Plans (Sheets C-2.03 & C-2.04) by Meridian Land Services, Inc. dated August 5, 2004 with revisions through December 22, 2004, as received by the Department on December 27, 2004.

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- 2. DES Coastal Region Office and the Hampton Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
- 3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
- 4. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
- 5. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 6. There shall be no further alteration of jurisdictional areas for lot development, driveways, culverts, or for any other construction related activities.
- 7. Work shall be done during low flow conditions.
- 8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
- 9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
- 10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
- 11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
- 12. Proper headwalls shall be constructed within seven days of culvert installation.
- 13. Culvert outlets shall be properly rip rapped.
- 14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
- 16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

With Findings:

- 1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving less than 3,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
- 5. A memo dated November 24, 2004 from the NH Natural Heritage Bureau (NHNHB) identified a natural community, High salt marsh and a plant species which is listed as threatened in New Hampshire, Slender Blue Flag (Iris prismatica) in close proximity to the proposed project site.
- 6. A letter dated November 24, 2004 from the Hampton Conservation Commission (HCC) voiced several concerns with the project site: Wood chips thrown into the adjacent wetlands from the construction of the tennis courts, although the courts did not impact jurisdictional area; Hay bales were placed along the outside of the silt fencing to protect the stream nearby per HCC; the HCC felt the proposed treatment swale was inadequate as well as the proposed discharge site, the proposed parking lot surface should be constructed of permeable material; irrigation and fertilizers shall be in accordance with the Shoreland Protection Act.
- 7. DES Staff conducted a field inspection of the proposed project on February 1, 2005. Field inspection determined that the proposed project will not have any adverse affect the natural community or plant species identified in the aforementioned memo from NHNHB.
- 8. The Department makes the following findings in regard to the aforementioned letter from the HCC: the area adjacent to the tennis courts where wood chips were inadvertently blown into has since been restored and all chips have been removed; the proposed treatment swale located south of the proposed parking lot was built in accordance with RSA 485-A:17 (Site Specific) is designed for a 10-year storm event with peak flows not to exceed 7.21 cfs; the use of on-site treatment swales will eliminate direct sheet flows from the tennis courts and proposed parking lot into the surrounding jurisdictional areas; it is not practical for the use of a porous surface for the proposed lot to allow infiltration; all work shall be accordance with the Shoreland Protection Act.
- 9. A letter dated February 1, 2005 from Meridian Land Services, Inc. was sent to the abutters identified as Mr. & Mrs. Claude Daniels, Hampton Tax Map 204 Lot 8, per Wt 304.04 for proposed work to be done within 20-feet of said abutters property line. Consequently, Mr. & Mrs. Daniels did not agree with the impact relative to their property line. 10. The Department finds that the

03/14/2005

proposed impacts immediately adjacent to the Daniels property line will not be adversely affected. Thus, the Department waives rule Wt 304.04.

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2004-02863 HALE PARTNERSHIP

CENTER HARBOR Unnamed Wetland

Requested Action:

Dredge and fill 4240 square feet for roadway access in the subdivision of approximately 350 acres into 17 single family residential lots, a common lot, and a residual lot.

Conservation Commission/Staff Comments:

The Center Harbor Conservation Commission has commented on the project. Please see the findings for this project.

APPROVE PERMIT:

Dredge and fill 4240 square feet for roadway access in the subdivision of approximately 350 acres into 17 single family residential lots a common lot and a residual lot.

- 1. All work shall be in accordance with plans by David M Dolan and Associates dated November 15, 2004, and revised through February 23, 2005 as received by the Department on February 25, 2005 and Subdivision Plans by David M. Dolan and Associates dated June 12, 2004, and revised through February 10, 2005, as received by the Department on February 25, 2005.
- 2. This permit is contingent on approval by the DES Site Specific Program.
- 3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
- 4. This permit is contingent upon the preservation of the 50 foot no cut buffer from the edge of the very poorly drained wetlands as illustrated on the subdivision plans.
- 5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
- 6. Signs to indicate the location of and restrictions on the no cut area shall be posted every 150 feet along the boundary of the conservation area prior to construction.
- 7. There shall be no removal of the existing vegetative undergrowth within the no cut buffer area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
- 8. Activities in contravention of the no cut buffer shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).
- 9. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 through 8 of this approval.
- 10. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
- 11. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
- 12. Orange construction fencing shall be placed at the limits of construction or the no cut buffer whichever is more restrictive to prevent accidental encroachment on wetlands.
- 13. Work shall be done during no flow.
- 14. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
- 15. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
- 16. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
- 17. Proper headwalls shall be constructed within seven days of culvert installation.
- 18. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff

Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

- 19. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
- 20. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
- 21. Silt fencing must be removed once the area is stabilized.
- 22. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

- 1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
- 2. The impacts associated with this subdivision are all for access, they are located at the narrowest portions of the wetlands and are located in order to access buildable uplands.
- 3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
- 4. The wetland impact areas are to the less unique and lower value systems.
- 5. DES has agreed to allow additional detention in pond A, which is currently an open water system with cattail (Typha latifolia), wool grass (Scirpus cyperinus), with tussock sedge (Carex stricta), and steeplebush (Spiraea latifolia).
- 6. The three native plant species identified within the wetland are classified as emergent.
- 7. The increase in post development peak discharge is .62 inches over a 2 hour duration during a 10-year storm event.
- 8. The culvert is an open bottom structure and the roughness coefficient is the primary factor contributing to the detention within the system.
- 9. An open bottom structure is the preferred method for this crossing location.
- 10. The applicant has provided a function and value assessment of the proposed detention area within wetlands.
- 11. The potential of this emergent scrub/shrub community to be influenced by the potentially higher water levels over the period is not significant to alter nesting habitat or vegetation.
- 12. The detention within this open water/ emergent system will provide greater protection of the larger Hale Swamp to the south of the crossing.
- 13. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
- 14. The applicant has provided a 50 foot no cut buffer to the very poorly drained soils within the large Hale Swamp system.
- 15. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
- 16. DES Staff conducted a field inspection of the proposed project on August 11, 2004. Field inspection determined the wetlands were accurately located and the impact areas had been placed in the narrowest locations.
- 17. In accordance with RSA 482-A:15 any municipality may undertake to designate, map and document prime wetlands lying within its boundaries, or if such areas lie only partly within its boundaries, then that portion lying within its boundaries.
- 18. The procedure for acceptance by the local legislative body of any prime wetland designations as provided in paragraph I shall be the same as set forth in RSA 675:2 or RSA 675:3, as applicable.
- 19. The designation of Holderness Prime Wetlands is under the zoning ordinances, and can not cross town lines.

2004-03089 BELANGER, SUSAN BRIGHT

GILFORD Lake Winnipesaukee

Requested Action:

Repair existing 11 ft wide stairs and 20 linear ft of retaining wall, remove 326 sq ft of concrete dock and related debris, construct a 6 ft x 37 ft piling pier, install a seasonal boatlift and drive 3 pilings to support a 14 ft x 30 ft seasonal canopy on 132 ft of frontage on Lake Winnipesaukee.

No Cons Com comments received

Inspection Date: 03/07/2005 by Chris T Brison

APPROVE PERMIT:

Repair existing 11 ft wide stairs and 20 linear ft of retaining wall, remove 326 sq ft of concrete dock and related debris, construct a 6 ft x 37 ft piling pier, install a seasonal boatlift and drive 3 pilings to support a 14 ft x 30 ft seasonal canopy on 132 ft of frontage on Lake Winnipesaukee.

With Conditions:

- 1. All work shall be in accordance with plans by Watermark Marine Construction as received by the Department on December 29, 2005.
- 2. All portions of the concrete dock and related debris shall be completely removed and placed outside of the jurisdiction of the DES Wetlands Bureau.
- 3. Construction shall not encroach closer than 4 ft from the property line extension of lot 66-104 on Gilford tax map 266 as agreed upon in writing by that affected owner on December 2, 2004.
- 4. Piling pier shall not extend no further than 37 ft lakeward of the normal high-water line.
- 5. Seasonal boatlift and canopy must be removed for 5 months during the non-boating season.
- 6. Canopy shall be made of fabric, shall not have walls and shall not exceed 20 ft in height.
- 7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate material removal area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
- 8. No rocks shall be dredged or deposited within 20 feet of an abutting property line or the imaginary extension of that line into the water.
- 9. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
- 10. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided
- 11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. This is a minor impact project per Administrative Rule Wt 303.03(g), removal of materials from public waters.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
- 5. DES Staff conducted a field inspection of the proposed project on 3/8/2005. Field inspection determined the need for an ice cluster due to potential ice damage.

MINIMUM IMPACT PROJECT

2004-02455 NH DRED

RYE Seavey Creek

Requested Action:

Dredge 21,146 sq. ft. of gravel and rock fill material, previously placed on tidal wetlands for a parking area, to restore that area of tidal marsh. Reuse suitable dredged material to expand the existing parking area by 17,424 sq. ft. in the upland tidal buffer zone. Construct a 6 ft. X 120 ft. pedestrian boardwalk to provide improved public access and abate trampling of the tidal marsh.

Conservation Commission/Staff Comments:

No comments received from the Rye Consrervation Commission.

Inspection Date: 03/04/2005 by Frank D Richardson

APPROVE PERMIT:

Dredge 21,146 sq. ft. of gravel and rock fill material, previously placed on tidal wetlands for a parking area, to restore that area of tidal marsh. Reuse suitable dredged material to expand the existing parking area by 17,424 sq. ft. in the upland tidal buffer zone. Construct a 6 ft. X 120 ft. pedestrian boardwalk to provide improved public access and abate trampling of the tidal marsh.

With Conditions:

- 1. All work shall be in accordance with plans by Natural Resources Conservation Service dated 12/03, as received by the Department on October 12, 2004.
- 2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
- 3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau with the exception of that material suitable for reuse in expanding the existing parking area.
- 4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 5. DES coastal restoration staff shall be notified in writing prior to commencement of work and upon completion of restoration activities.
- 6. Construction equipment shall have specialized low ground pressure tracks, which impact less than four (4) pounds per square inch when loaded, or the permittee shall utilize timber or plywood mats beneath machines when driving over wetland areas.
- 7. Timber or plywood mats shall be utilized in all areas of the marsh where construction equipment is required to travel or turn multiple times over the same area.
- 8. All weight distribution mats shall be removed from the marsh within a minimum practicable time period.
- 9. Pre- and post-restoration monitoring shall be completed through the protocols set forth by the "Global Program of Action Coalition for the Gulf of Maine" (GPAC) and the "Monitoring Requirements for Salt Marsh Restoration Projects," NH Coastal Program, September 1998.
- 10. The permittee shall submit monitoring reports to the DES Wetlands Bureau according to the specifications stated in the above-listed protocols.

With Findings:

- 1. This is a minimum impact project per Administrative Rule Wt 303.04(t): Dredge 21,146 sq. ft. of gravel and rock fill material, previously placed on tidal wetlands for a parking area, to restore that area of tidal marsh. Reuse suitable dredged material to expand the existing parking area by 17,424 sq. ft. in the upland tidal buffer zone. Construct a 6 ft. X 120 ft. pedestrian boardwalk to provide improved public access and abate trampling of the tidal marsh.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
- 3. This is a salt marsh restoration project resulting from the collaborative efforts of NH DRED, NH DES, the NH Coastal Program and the USDA NRCS.

2004-02954 LOWE'S HOME CENTERS, INC, TAYLOR MCDERMOTT

CLAREMONT Sugar River

Requested Action:

Fill approximately 709 square feet of palustrine forested wetlands for access and lot development. ************

Conservation Commission/Staff Comments:

The conservation commission recommends approval of the revised site plans dated 2/7/05.

APPROVE PERMIT:

Fill approximately 709 square feet of palustrine forested wetlands for access and lot development, per plans received on 02/07/2005

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With Conditions:

- 1. All work shall be in accordance with plans by Rizzo Associates dated February 7, 2005, as received by the Department on February 8, 2005.
- 2. This permit is contingent on approval by the DES Site Specific Program.
- 3. This permit is contingent on approval by the DES Water Quality Planning Section which operates under the NPDES General Permit for Storm Water Discharges from Construction Activities (the "Construction General Permit").
- 4. All contaminated materials removed from the subject lot shall be handled in accordance with requirements from the DES Hazardous Waste Remediation Bureau.
- 5. All contaminated materials removed for the subject lot shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
- 6. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
- 7. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
- 8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
- 9. Work shall be done during low or non flow conditions.
- 10. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
- 13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
- 14. Silt fencing must be removed once the area is stabilized.
- 15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
- 16. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

- 1. This project impacts 709 sq ft of jurisdictional wetlands for access and lot development and is therefore a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq ft of nontidal wetlands.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
- 5. The subject lot is located within the 100 year floodplain, as established by FEMA maps dated 1978.
- 6. The building and pavement envelope is outside the floodway limits.
- 7. The subject lot is the site of documented past uses resulting in soil and groundwater contamination.
- 8. Site remediation is proposed for the clean up of contaminated areas on the subject lot.
- 9. The subject property is adjacent to the Sugar River which is currently listed on the 2004, 303(d) List of Impaired Waters as being impaired for dissolved oxygen levels.
- 10. The applicant is required to demonstrate through the NPDES General Permit for Storm Water Discharges from Construction Activities, that no additional loadings of parameters that impact dissolved oxygen will occur.

2005-00006

PINKHAM CONSTRUCTION INC

03/07/2005 to 03/13/2005

FRANCONIA Drainage Ditch

Requested Action:

retain 1,240 square feet of fill associated with the installation of a 15" x 30' culvert to provide access to 3 housing lots.

APPROVE AFTER THE FACT:

retain 1,240 square feet of fill associated with the installation of a 15" x 30' culvert to provide access to 3 housing lots.

With Conditions:

- 1. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

- 1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 sq ft of nontidal wetlands.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
- 5. This project is an after-the-fact approval to provide access to 3 residential housing lots.

FORESTRY NOTIFICATION

2005-00352 TOTHILL, DAVID

BARNSTEAD Unnamed Stream

COMPLETE NOTIFICATION:

Barnstead Tax Map 27, Lot# 19

2005-00386 BATCHELOR, WILLIAM

GRAFTON Unnamed Stream

COMPLETE NOTIFICATION:

Grafton Tax Map 2, Lot# 76

2005-00403 PLUM CREEK MAINE TIMBERLANDS LLC

CAMBRIDGE Unnamed Stream

COMPLETE NOTIFICATION:

Cambridge Tax Map 1619, Lot# 42

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2005-00404 PLUM CREEK MAINE TIMBERLANDS LLC WENTWORTHS LOCA Unnamed Stream

COMPLETE NOTIFICATION:

Decision Report For Actions Taken

Wentworth Location Tax Map 1628, Lot# 3

CRIMMINS, PAUL 2005-00405 **NEW HAMPTON** Unnamed Stream

COMPLETE NOTIFICATION:

New Hampton Tax Map R19, Lot# 3

ROUNER, LEROY 2005-00415

SANDOWN Unnamed Stream

COMPLETE NOTIFICATION:

Sandwich Tax Map R8, Lot# 32

2005-00416 **CUTTER, LOUIS**

RANDOLPH Unnamed Stream

COMPLETE NOTIFICATION:

Randolph Tax Map R15, Lot# 15

WEST, WILFRED 2005-00431

FREMONT Unnamed Stream

COMPLETE NOTIFICATION:

Fremont Tax Map 1, Lot# 60

2005-00448 HERTEL, VAN

EATON Unnamed Stream

COMPLETE NOTIFICATION:

Eaton Tax Map R11, Lot# 25

2005-00450 WHITCHER, DAVID

PIERMONT Unnamed Stream

COMPLETE NOTIFICATION:

Piermont Tax Map R5, Lot# 10

2005-00460 HARRIS III, DELBERT

BRADFORD Unnamed Stream

COMPLETE NOTIFICATION:

New Hampton Tax Map R19, Lot#3

EXPEDITED MINIMUM

2002-02285

SAMPLE, ROGER

ALTON Unnamed Wetland

Requested Action:

Deny request to fill 1400 square feet and install a 24-inch x 70 foot culvert in the subdivision of 19.26 acres into three building sites.

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DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny request to fill 1400 square feet and install a 24-inch x 70 foot culvert in the subdivision of 19.26 acres into three building sites.

With Findings:

- 1. A request for additional information dated November 13, 2002, addressed to the applicant or agent of record, requiring the applicant to submit additional information to DES within 120 days of the request.
- 2. Pursuant to RSA 482-A, XIV(b), if the requested additional information is not received by DES within 120 days of the request, DES shall deny the application.
- 3. DES did not receive the requested additional information within the timeframe allowed and therefore the application has been denied.

2004-00766 88 CAMPBELL ROAD INVESTMENTS LLC

BEDFORD Unnamed Wetland

Requested Action:

Approve name change to: Viens Construction Company Inc., 24 Joppa Hill Rd., Bedford NH 03110 per request received 3/7/2005.

Conservation Commission/Staff Comments:

The Bedford Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE NAME CHANGE:

Dredge and fill approximately 1,024 sq. ft. of intermittent stream for installation of 2 15"x28' culverts for a roadway and 1,324 sq. ft. of intermittent stream for installation of 2 18"x49' culverts to provide access to a lot of 2.15 acres as part of a 19-lot subdivision on approximately 29.07 acres with 7.48 acres designated as open space.

- 1. All work shall be in accordance with the following plans by Bedford Design Consultants dated April 16, 2004 with revisions through April 16, 2004 as received by the Department on June 8, 2004:
 - a. Wetland Impact Existing Conditions (Sheet 3);
 - b. Plan and Profile (Sheet P2 of P5 & Sheet P5 of P5).
- 2. This permit is contingent on approval by the DES Site Specific Program.
- 3. This permit is contingent on approval by the DES Subsurface Systems Bureau.

- 4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
- 5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
- 6. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
- 8. Work shall be done during low flow conditions.
- 9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
- 10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 11. Proper headwalls shall be constructed within seven days of culvert installation.

03/07/2005 to 03/13/2005

- 12. Culvert outlets shall be properly rip rapped.
- 13. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
- 15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
- 16. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

2004-02442 MAMACOS, CYNTHIA

DERRY Unnamed Wetland

Requested Action:

Fill 205 square feet within the bed and banks of an intermittent stream to install a 12-inch by 18-foot culvert for access to a buildable portion of uplands for the construct of a garage on a single family residential lot of 1.18 acres.

Conservation Commission/Staff Comments:

The Derry Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Fill 205 square feet within the bed and banks of an intermittent stream to install a 12-inch by 18-foot culvert for access to a buildable portion of uplands for the construct of a garage on a single family residential lot of 1.18 acres.

- 1. All work shall be in accordance with The Wetland Crossing plan by Pamela Mamacos dated September 15, 2004, as received by the Department on October 21, 2004.
- 2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 3. Work shall be done during low flow conditions.
- 4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

5. Proper headwalls shall be constructed within seven days of culvert installation.

03/07/2005 to 03/13/2005

6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

- 1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
- 5. A memo dated 10/15/2004 from NH Natural Heritage Bureau identified 1 (one) natural community, Poor level fen/bog system, and 1 (one) plant species, Huckleberry (Gaylussacia dumosa var. bigeloviana), near the proposed project.
- 6. Due to the distance away from the proposed location, the Department finds that the aforementioned natural community and plant species will not be adversely affected by this project.

2005-00082 **DEMARCO, PETER**

CAMPTON Unnamed Stream

Requested Action:

Fill a total of 1,344 square feet within the bed and banks of an intermittent stream to install two (2) 24-inch by 28-foot culverts (impacting 624 square feet and 720 square feet) for the construction of a roadway within a 7-lot subdivision as part of the final phase of a four phase subdivision on 70 acres.

Conservation Commission/Staff Comments:

The Campton Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Fill a total of 1,344 square feet within the bed and banks of an intermittent stream to install two (2) 24-inch by 28-foot culverts (impacting 624 square feet and 720 square feet) for the construction of a roadway within a 7-lot subdivision as part of the final phase of a four phase subdivision on 70 acres.

- 1. All work shall be in accordance with plans by John M. March dated November 2004 and revised February 2005, as received by the Department on March 3, 2005.
- 2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
- 3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
- 4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
- 5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
- 6. Work shall be done during low flow conditions.
- 7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
- 8. Proper headwalls shall be constructed within seven days of culvert installation.
- 9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

- 1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

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- 4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
- 5. A memo dated February 7, 2005 from the Nongame and Endangered Wildlife Program, NH Fish and Game Department, identified an abandoned mine (Bat hibernaculum) as an area of concern.
- 6. The location of the aforementioned site is approximately 0.5 mile from the proposed subdivision and the Department finds that this area will not be adversely affected.

2005-00099 JOTAPH REALTY LLC

STRATHAM Unnamed Wetland

Requested Action:

Fill 1,830 square feet of forested wetland to install a 15-inch culvert to access a single family residential lot on 4.09 acres associated with a 5-lot subdivision of 21.48 acres.

Conservation Commission/Staff Comments:

The Stratham Conservation Commission signed the PBN.

APPROVE PERMIT:

Fill 1,830 square feet of forested wetland to install a 15-inch culvert to access a single family residential lot on 4.09 acres associated with a 5-lot subdivision of 21.48 acres.

With Conditions:

- 1. All work shall be in accordance with plans by Altus Engineering, Inc. dated January 12, 2005 and revised February 2, 2005, as received by the Department on February 7, 2005.
- 2. DES Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
- 3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
- 4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
- 5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
- 6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
- 7. Work shall be done during low flow conditions.
- 8. A 25-foot wetland buffer zone shall be flagged to prevent accidental encroachment on wetlands.
- 9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
- 10. Culverts shall be laid at existing grade.
- 11. Proper headwalls shall be constructed within seven days of culvert installation.
- 12. Culvert outlets shall be properly rip rapped.
- 13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

- 1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
- 5. A letter dated January 12, 2005 from the Stratham Conservation Commission supports the approval of the proposed project on the condition that all wetland boundaries are flagged with a 25-foot buffer zone to avoid accidental encroachment.
- 6. A memo dated January 21, 2005 from the NH Natural Heritage Bureau identified one natural community, Atlantic white cedar-yellow birch-pepperbush swamp and one plant species, Atlantic White Cedar (Chamaecyparis thyoides) near the proposed project location.
- 7. A memo dated January 24, 2005 from the Nongame and Endangered Wildlife Program, NH Fish and Game Department, identified one species of concern, Blanding's Turtle, near the project area. Additionally, Fish and Game has concerns with the culvert size and request it to be enlarged to promote ease of passage for the animal.
- 8. The Departments finds that none of the aforementioned species will be adversely affected by the project due to the distances from the site.

2005-00169 ROSS, JENNIFER & DOUGLAS

03/07/2005 to 03/13/2005

MADBURY Tidal Buffer Zone

Requested Action:

Impact a total of 2,149 square feet within the Tidal Buffer Zone (including 311 square feet of temporary impact and 1,838 square feet of permanent impact) to demolish and remove an existing 2-bedroom residence and construct a new 2-bedroom residence on a single family residential lot of 0.35 acres with 112 linear feet of shoreline frontage.

Conservation Commission/Staff Comments:

The Madbury Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact a total of 2,149 square feet within the Tidal Buffer Zone (including 311 square feet of temporary impact and 1,838 square feet of permanent impact) to demolish and remove an existing 2-bedroom residence and construct a new 2-bedroom residence on a single family residential lot of 0.35 acres with 112 linear feet of shoreline frontage.

With Conditions:

- 1. All work shall be in accordance with plans by NH Soil Consultants dated January 2005, as received by the Department on January 25, 2005.
- 2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
- 3. DES coastal staff shall be notified in writing prior to commencement of work and upon its completion.
- 4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
- 5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
- 6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
- 7. No stumps shall be removed within 50 feet of the reference line per RSA 483-B (see attached fact sheet).
- 8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

- 1. This is a minimum impact project per Administrative Rule Wt 303.04(b), project in previously developed upland areas within 100 feet of the highest observable tide line.
- 2. The applicant received written consent from the abutter identified as W.J. Zecker, Madbury Tax Map 11 Lot 4, for impacts within 20-feet of the abutter's property line relative to Wt.304.04.

- 03/07/2005 to 03/13/2005
- 3. A memo dated 1/14/05 from the NH Natural Heritage Bureau identified one plant species, Small Spike-rush (Eleocharis parvula) listed as threatened within. New Hampshire and one vertebrate species, Common Tern (Sterna hirundo) listed as Endangered within New Hampshire.

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- 4. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
- 5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
- 6. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2005-00191 PALMIERI, RICHARD & ARLENE

SUNAPEE Lake Sunapee

Requested Action:

Re-construct an existing 8 ft by 32 ft permanent dock supported by two 7 ft by 8 ft cribs on Lake Sunapee, Sunapee.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Re-construct an existing 8 ft by 32 ft permanent dock supported by two 7 ft by 8 ft cribs on Lake Sunapee, Sunapee.

With Conditions:

- 1. All work shall be in accordance with plans, as received by the Department on January 28, 2005.
- 2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
- 3. This permit does not allow for maintenance dredging.
- 4. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
- 5. Repairs shall maintain existing size, location and configuration.
- 6. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.
- 7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
- 8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
- 9. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
- 10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(v).

2005-00333 US ARMY CORPS OF ENGINEERS NE

KEENE Unnamed Wetland

Requested Action:

Temporarily impact 13,504 square feet of palustrine emergent wetlands to modify the spillway at Otter Brook Dam, Keene, NH.

03/07/2005 to 03/13/2005

Conservation Commission/Staff Comments:

Conservation commission signed the expedited application.

APPROVE PERMIT:

Temporarily impact 13,504 square feet of palustrine emergent wetlands to modify the spillway at Otter Brook Dam, Keene, NH.

03/14/2005

With Conditions:

- 1. All work shall be in accordance with plans by US Army Corps of Engineers, as received by the Department on February 17, 2005.
- 2. There shall be no excavation activities within the spillway approach channel from March 15 to June 15 of any year.
- 3. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
- 4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
- 5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
- 6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
- 7. Wetland restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
- 8. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau
- 9. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
- 10. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (Lythrum salicaria) and common reed (Phragmites australis) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
- 11. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

- 1. This project will temporally impact 13,504 sq ft of nontidal jurisdictional wetlands to modify a spillway and is therefore a minimum impact project per Administrative Rule Wt 303.04(k), for maintenance of a spillway to provide continued usefulness.
- 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
- 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
- 4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
- 5. The presence of a threatened species was been documented near the proposed work area.
- 6. The State has determined the project will not have any affect on the threatened species.

LAKES-SEASONAL DOCK NOTIF

2005-00434 MOYNIF KINGSTON Pow Wow Pond

MOYNIHAN, PAULA

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COMPLETE NOTIFICATION:

Kingston Tax Map U3, Lot# 3 Pow Wow Pond

2005-00435 DAVIS, ANDREW/HEATHER

GILMANTON Shellcamp

COMPLETE NOTIFICATION:

Gilmanton Tax Map 48, Lot# 12 Shellcamp

2005-00437 COLOSI, PHILIP

WAKEFIELD Pine River Pond

COMPLETE NOTIFICATION:

Wakefield Tax Map 53, Lot# 6 Pine River Pond

SHORELAND VARIANCE / WAIV

2004-02265 BOOTH, RALPH & BETSY

WOLFEBORO Lake Winnipesaukee

Requested Action:

Raze an existing 2116 sq ft residence and construct a new 3450 sq ft residence on a 1.02 acre lot within the protected shoreland of Lake Winnipesaukee, in Wolfeboro.

DENY CSPA WAIVER:

Raze an existing 2116 sq ft residence and construct a new 3450 sq ft residence on a 1.02 acre lot within the protected shoreland of Lake Winnipesaukee, in Wolfeboro.

With Findings:

Findings of Fact:

- 1. The Applicant is the owner of a 1.02 acre lot within the protected shoreland of Lake Winnipesaukee in Wolfeboro more particularly identified as Wolfeboro tax map 241, lot 23 (the "Property")
- 2. The existing 2,116 sq ft structure is located 18 ft from the reference line and is, therefore, a non-conforming structure.
- 3. On October 14, 2004 the Department of Environmental Services received a request for a Waiver of RSA 483-B:9, II, to replace the existing non-conforming structure with a larger non-conforming structure.
- 4. The proposed 3,450 sq ft, non-conforming structure would be located 24 ft from the reference line.
- 5. A new, conforming, 3,450 sq ft primary structure could be constructed on the Property without encroaching within the primary building setback on the Property.

Standards for Approval:

- 6. In accordance with RSA 483-B:9, Minimum Shoreland Protecion Standards, II, "Primary structures shall be set back behind the primary building line which is 50 feet from the reference line."
- 7. In accordance with RSA 483-B:3, Consistency Required, "State and local permits shall be issued only when consistent with the policies of this chapter."

03/07/2005 to 03/13/2005

8. In accordance with RSA 483-B:11, II, "When reviewing requests for the redevelopment of sites...the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to public waters."

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9. In accordance with RSA 483-B:11, II, "More nearly conforming means a proposal for significant changes to the location or size of existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."

Ruling in Support of the Decision:

- 11. The issuance of a waiver of the primary building line on a site that could support conforming structures would not be consistent with the intent of RSA 483-B.
- 12. In accordance with RSA 483-B:3, the request for a waiver of RSA 483-B:9 is denied.

ROADWAY MAINTENANCE NOTIF

2005-00426 NHDOT GILMANTON Unnamed Wetland

PERMIT BY NOTIFICATION

2005-00380 MANN, RUSSELL

HENNIKER Unnamed Wetland

Requested Action:

Fill a total of 1,430 square feet wet meadow for the installation of a 12-inch by 20-foot culvert (impacting 700 square feet) and a 18-inch by 20-foot culvert (impacting 730 square feet) for access to a single family residential lot on approximately 11 acres.

Conservation Commission/Staff Comments:

The Henniker Conservation Commission signed the PBN.

PBN IS COMPLETE:

Fill a total of 1,430 square feet wet meadow for the installation of a 12-inch by 20-foot culvert (impacting 700 square feet) and a 18-inch by 20-foot culvert (impacting 730 square feet) for access to a single family residential lot on approximately 11 acres.

2005-00387 BAHRE, GARY

ALTON Lake Winnipesaukee

Requested Action:

Replenish 900 square feet within an existing beach on Lake Winnipesaukee with 156 linear feet of shoreline frontage.

03/14/2005

Conservation Commission/Staff Comments:

The Alton Conservation Commission signed the PBN.

PBN IS COMPLETE:

Replenish 900 square feet within an existing beach on Lake Winnipesaukee with 156 linear feet of shoreline frontage.

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2005-00388 SCHAEBERLE, ROBERT

ALTON Lake Winnipesaukee

Requested Action:

Install a 10'x14' seasonal boatlift in an existing boat slip immediately adjacent to a previously permitted 6'x40' seasonal dock on Lake Winnipesaukee with 130 linear feet of shoreline frontage.

Conservation Commission/Staff Comments:

The Alton Conservation Commission signed the PBN.

PBN IS COMPLETE:

Install a 10'x14' seasonal boatlift in an existing boat slip immediately adjacent to a previously permitted 6'x40' seasonal dock on Lake Winnipesaukee with 130 linear feet of shoreline frontage.

2005-00406 SCHOCH, HEIDI & STEPHEN

WEBSTER Unnamed Wetland

Requested Action:

Fill 900 square feet within the bed and banks of an intermittent stream and wet meadow to install a 20-inch by 30-foot culvert for access to a single family residential lot on 7.98 acres.

Conservation Commission/Staff Comments:

The Webster Conservation Commission signed the PBN.

PBN IS COMPLETE:

Fill 900 square feet within the bed and banks of an intermittent stream and wet meadow to install a 20-inch by 30-foot culvert for access to a single family residential lot on 7.98 acres.

HEARINGS

2005-00401 HAMPSHIRE CHEMICAL CORPORATION

NASHUA Unnamed Wetland

PRIME WETLANDS HEARING: 03/25/2005 09:00:00 AM

Decommission an existing chemical plant including removal of concrete or asphalt structures embedded in the ground surface to the north of Building 16; removal and refilling of the equalization basin and the holding basin; any site surface grading associated with the referenced activities, totalling 160,000 square feet of disturbance in uplands adjacent to the Merrimack River, a Nashua designated prime wetland.

03/07/2005 to 03/13/2005